IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

WP(C).No. 26316 of 2007(G)

PETITIONER:

P.GOVINDAN, S/O MOOTHORAN,
POTTAYIL HOUSE, P.O.PALLATH,
(VIA) KAKKOD, KOZHIKODE.

BY ADV. SRI.P.GOPINATH

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
PUBLIC WORKS(B)DEPARTMENT, TRIVANDRUM.

2. THE CHIEF ENGINEER,
IRRIGATION & ADMINISTRATION,
TRIVANDRUM.

3. THE EXECUTIVE ENGINEER,
K.Y.I.P DIVISION, PERAMBRA,
KOZHIKODE DISTRICT.

4. THE ASSISTANT EXECUTIVE ENGINEER,
K.Y.I.P DIVISION, SUB DIVISION, KAKKODI.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P (C) No. 26316 of 2007

Dated this the 31st October, 2007

J U D G M E N T

Petitioner is working as CLR worker under the respondents since 1978. According to him, by virtue of Exhibit-P1 Government Order, CLR workers are entitled to be appointed directly to the vacancies in regular service for the appointment of NMR workers to the extent of vacancies then available provided they had been in service on or before 19.5.1983 and had put in a minimum service of 500 days as on 1.1.1987. Petitioner contends that he had been continuing as CLR worker from 1978 onwards and and had the requisite minimum service of 500 days on 1.1.1987 his eligibility was mentioned in Exhibit-P2 representation. No action was taken thereon, petitioner moved this Court in O.P. No.3970/2000, petitioner's claim was directed to be considered. Exhibit-P5 was passed, in which, the petitioner's claim was rejected. According to the petitioner, this was clearly on untenable premises. The same was again challenged by the petitioner in W.P. (C) No.15184/2004, which was disposed of by Exhibit-P7 judgment. Pursuant thereto the Chief Engineer, Irrigation and

Administration, the 2nd respondent has passed Exhibit-P8, clearly indicating that the petitioner is eligible to be absorbed as NMR worker. The reason for not passing an order, according to the 2nd respondent is that as per the rules which currently prevail, the Government alone is competent to include new names in the seniority list of CLR Workers eligible for absorption. Therefore, the case of the petitioner is taken up with the Government for appropriate action.

2. Learned Government Pleader, on instruction, submits that the Government is yet to take a decision pursuant to Exhibit-P8 in regard to the claim of the petitioner. Exhibit-P8 order passed by the 2nd respondent mentions the period for which the petitioner had worked as CLR service. Petitioner had more than 500 days. It also indicates that the petitioner is entitled to be absorbed as SLR Worker in terms of the Government Order dated 20.1.1990.

3. In circumstances, where petitioner's eligibility to be absorbed as SLR worker has been found by the Head of the Department, there is no reason why an order should not be

passed in terms of the petitioner's eligibility as mentioned in Exhibit-P8.

In the circumstances, this writ petition is disposed of directing the 1st respondent to pass orders in consequence of Exhibit-P8, within one month from the date of receipt of a copy of this judgment. Petitioner shall produce a copy of this judgment along with a copy of the writ petition before the 1st respondent, for compliance.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007